

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

MANUEL LIRA,

PLAINTIFF

V.

NO. 2:07CV013-P-D

**CORRECTIONS CORPORATION
OF AMERICA, et al.,**

DEFENDANTS

**ORDER OVERRULING OBJECTIONS and ADOPTING REPORT AND
RECOMMENDATION**

The *pro se* Plaintiff, an inmate, brings this complaint pursuant to 42 U.S.C. § 1983 complaint. Plaintiff attempted to state a failure to protect claim based upon an injury sustained while he was working in the prison shop. Plaintiff was afforded the opportunity to clarify and specifically state his claims at a *Spears* hearing. Following the hearing, Magistrate Judge Jerry A. Davis filed a Report and Recommendation on April 20, 2007, recommending dismissal finding that if Plaintiff had stated a claim at all, it would be based on negligence and not deliberate indifference. On May 7, 2007, Plaintiff filed Objections to the Report and Recommendation.

The court finds that Plaintiff's arguments are not well-taken and that the objections should be overruled for the reasons stated in the Report and Recommendation, which the court approves and adopts as its opinion.

THEREFORE, it is hereby ORDERED that

- 1) the Plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;
 - 2) the Report and Recommendation is APPROVED and ADOPTED as the opinion of this court;
 - 3) all claims and Defendants are DISMISSED;
 - 4) Plaintiff's motion for appointment of counsel (docket entry 3) is DENIED as moot;
- and,

4) this case is CLOSED.

SO ORDERED, this the 23rd day of July, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE